

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

LAKENYA McGHEE-TWILLEY individually)	
and as next-of-kin to the deceased,)	
Marktavious Twilley)	
)	
v.)	Case No. 3:23-cv-00077
)	Judge Campbell
CORECIVIC OF TENNESSEE, LLC <i>et al.</i>)	Magistrate Judge Holmes

ORDER

Pending before the Court is non-party Tennessee Department of Corrections’ (“TDOC”) “Motion for Relief from Order and for Stay of Prior Court Order” (Docket No. 57), to which Plaintiff responded (Docket No. 59). In its motion, TDOC asks the Court for: (1) permission to file a response to Plaintiff’s pending motion for leave to file documents under seal (Docket No. 35); and (2) a stay of certain portions of the Court’s February 6, 2024 order (Docket No. 54) that unsealed certain documents that Plaintiff filed in connection with her motion for leave to file documents under seal (Docket No. 35).

The Court entered an order on February 7, 2024 granting TDOC’s request for a stay of certain portions of the Court’s February 6, 2024 order, which included sealing documents located at Docket Entry Nos. 35-2, 35-3, 35-4, 35-5, and 35-6 pending resolution of TDOC’s motion. (Docket No. 58 at 2.) However, the Court took under advisement the issue of whether TDOC could file a response to Plaintiff’s motion for leave to file documents under seal. (*Id.* at 1, 3.) The Court directed counsel to confer regarding TDOC’s request to file a response to Plaintiff’s pending motion for leave to file documents under seal and to then update the Court on the parties’ positions. (*Id.* at 3.)

In compliance with the Court's order, on February 7, 2024, Plaintiff filed a "Notice Regarding February 7, 2024 Order [Doc. 58] and Partial Opposition to [TDOC's] 'Motion for Relief from Order and from Stay of Prior Court Order.'" (Docket No. 59.) In that filing, Plaintiff stated that she "conferred with the TDOC's counsel as instructed." (*Id.* at 1.) She also stated that she "does not oppose the TDOC's motion to the extent it seeks to 'respond' beyond the deadline imposed by this Court's local rules" and that she "defers to this Court's discretion regarding whether to permit" TDOC to file a response. (*Id.* at 1, 5.) In other words, TDOC's request to file a response to Plaintiff's pending motion for leave to file documents under seal is not opposed by Plaintiff.¹

For these reasons, the Court **ORDERS** as follows:

1. TDOC's "Motion for Relief from Order and for Stay of Prior Court Order" (Docket No. 57) is **GRANTED** to the extent provided for herein.

2. TDOC must, **by no later than 14 days from the date of entry of this order**, file a response to Plaintiff's motion for leave to file documents under seal (Docket No. 35). TDOC's response must address the following:

- a. Whether there are compelling reasons to seal the documents located at Docket Entry Nos. 35-2, 35-3, 35-4, 35-5, and 35-6, and whether that sealing is narrowly tailored to those reasons by specifically analyzing in detail, document by document, the propriety of secrecy, providing factual support and legal citations. As a reminder, and as stated in Local Rule 5.03(a), generally, only trade secrets, information covered by a recognized privilege (such as the attorney-client privilege), and information required by statute to be maintained in confidence is typically enough to overcome the presumption of public access.

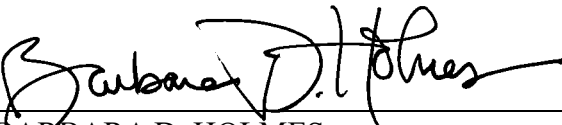
¹ The Court acknowledges that, in her filing, Plaintiff "opposes[s] both the entry of a stay and the requested resealing of the documents at issue" that the Court ordered in its February 7, 2024 order. (Docket No. 59 at 2.) Plaintiff argues that the documents located at Docket Entry Nos. 35-2, 35-3, 35-4, 35-5, and 35-6 "may not lawfully be 'resealed,' so resealing is not appropriate, and neither is a stay." (*Id.* at 5–8.) The Court reserves a ruling on this issue pending further briefing by TDOC and Plaintiff, as detailed herein.

- b. TDOC's position in response to the argument in Section III.B. of Plaintiff's "Notice Regarding February 7, 2024 Order [Doc. 58] and Partial Opposition to [TDOC's] 'Motion for Relief from Order and from Stay of Prior Court Order.'" (Docket No. 59 at 5–8.)

3. Plaintiff may, **by no later than 7 days from the date TDOC files its response**, file an optional reply to TDOC's response.

4. The documents located at Docket Entry Nos. 35-2, 35-3, 35-4, 35-5, and 35-6 shall remain **SEALED** pending resolution of Plaintiff's motion for leave to file documents under seal (Docket No. 35).

It is SO ORDERED.


BARBARA D. HOLMES
United States Magistrate Judge